

**The Minutes of
Honeyville City Council
July 8, 2020, Regular Meeting**

Mayor Boyd Bingham called the meeting to order at 7:00 p.m.

Present were Mayor Boyd Bingham, Councilmembers Bruce Nelson, Jeff Sanders, Sharon Lorimer, Trevor Gardner, and Dale Millsap.

Approximately 10 members of the public joined this meeting.

Councilmember Bruce Nelson offered the invocation and led the group in the pledge of allegiance.

Conflict of Interest: Dale Millsap stated that he owns property that may be part of the new zone discussion.

Public Comment Period: **Steve Dokos** brought a paper for the council to look at suggesting a new city park.

He also brought up drainage issues that he felt were a nuisance to the city.

Mayor Bingham stated that the council is looking into this issue.

Planning Commission Report – Zoning Administrator, Codey Illum

- A. **Caleb Hardy Subdivision – Codey I** shared that the Planning Commission has approved the Caleb Hardy Subdivision and asked for the council's approval to move forward with building on this lot.

JEFF SANDERS motioned to accept the Caleb Hardy Subdivision Final Plat. BRUCE NELSON seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

- B. **A-5-A – Planning Commission Recommendation – Codey I** shared that the Planning Commission had held several discussions and would like to recommended Option 4, while requiring all lots maintain a 300 ft. frontage. They also recommended that the city adopt the wording under the new E section in 10:10:7 (paperwork attached). **Dale M** asked if the frontage was the same as A-5 zoning. **Codey I** clarified that it was the same. **Jeff S** asked if they adopted this zone if it would replace the A-20 zone. **Codey I** stated that A-20 would change to the A-5-A zoning. The current A-20 zone was designed for open space, but for a period of time. **Mayor Bingham** shared that

currently the A-20 zoning ordinance states “for the foreseeable future” which takes direction away from the city and leaves that open to interpretation. **Codey I** said that they were working to create a zone that will work for the entire city. It is being created as an option for the citizens to come in and request this zone. The minimum acreage would be 2.5 acres maintaining the 300 ft. frontage. **Trevor G** pointed out that they would need to take roads into consideration for this as well. **Codey I** stated that while looking into this zoning they also started talking about keeping secondary water with the land. Because once land loses water it becomes useless especially as farm ground. **Mary Bingham** shared that they did discuss water rights and Brent Bateman, a land use attorney, suggested finding a water system that works in another town and using it as a guideline. She left a copy of examples of how other cities are handling this issue with the council. **Codey I** felt that this doesn’t necessarily need to be linked to the new zone, but should be looked into. **Mayor Bingham** stated that water shares are valuable and once they are sold you can’t get them back. **Dale M** expressed that the city is not getting into the water business, however they would like to require that the landowner keep the water with that land. **Bruce N** felt that the city needs to make sure that the water is tied to all of the ground. **Codey I** felt that the city needs to talk to a water rights attorney to find how Honeyville can protect their secondary water. **Dale M** would like to get a feel for what the neighbors are thinking regarding a possible new zone. **Mayor Bingham** felt that this is a big deal and that they need to really think about this. **Jeff S** felt that they need to address the zoning and the water in two separate issues. **Trevor G** expressed that he would like to see them include the water with the A-5-A and then go back and tie it to the rest of the ground.

City Administration – Mayor Boyd Bingham

Blair Perry shared that the city applied for the Coronavirus Relief Fund which is allocated to provide relief to counties and municipalities. There are stipulations for these funds. The funds can be used for expenses or resources that have been or will be expended to combat or bring relief from the Coronavirus. The City applied for funds and received the first allocation for those funds. The City has received \$47,000.00 so far. It could potentially be upwards \$140,000.00. Those funds cannot be used for regular budget items. The funds need to be committed and expended by November 30, 2020 and can be used to make social distancing more favorable to the community such as facility changes. **Mayor Bingham** talked to Tom Kotter from the county about the issue the city has with their office being so small and the inability to social distance in that space. Tom stated that he felt that a potential new facility fell into the category for the use of those funds. The Mayor would like to utilize those funds to start the new city building that the council had already started budgeting for. **Blair P** reminded the council that November 30th will come very quickly. **Jeff S** shared that the city has already budgeted for funds to begin the new facility and that they should use this money for that. **Mayor Bingham** asked the council if they were ok with the plan for the facility. **Jeff S** would like

a few different options for the facility. He felt it was undersized. **Mayor Bingham** stated that they were looking at starting small and then adding on as needed. **Trevor G** thought that perhaps they could build the shell and then finish it later. **Mayor Bingham** also pointed out that now is a good time to put out bids. **Bruce N** reminded the council that the city only has a short amount of time to make this happen. He suggested that someone figure out a good path forward and at that they meet in a week or two, but before the next council meeting and figure out a plan but that they need to hurry. **Mayor Bingham** will talk with designer and see what he can do.

- A. Fee Schedule Adjustments:** The Council discussed the current Cemetery Fund and the fact that there the \$200.00 additional charge was left off of the Saturday and Holiday burial pricing. **Brittany C** asked for clarification on information previously provided along with the cemetery fees. **Jeff S** did not feel that the cemetery needed to include the Allocation of Cemetery Generated Funds because the City does not handle the funds this way. **Jeff S** will research what other cities do. **Dale M** asked about the deed ownership information. **Brittany C** stated that the current policy states that within one year of the owner passing the family needs to transfer the remaining plots into a living relatives name. **Dale M** asked if this information is printed on the physical deed. **Brittany C** shared that it is not on the deed itself. But asked the council how they would like her to handle this issue. There was further discussion about the best way to enforce this issue and that when they evaluated the cemetery a few years back they ran into issues with old deeds. They also discussed how many plots should be allowed for one individual to purchase. **Jeff S** shared that he would look at how many plots other cities allow individuals to purchase at one time. He also felt that family members need to produce a deed. The council asked the city clerk how she currently handles burials if they do not have a deed to produce. She stated that she takes their information and verifies that a deed actually exists in that family members name. The council was concerned about plots being used inaccurately. **Codey I** suggested having an audit of the cemetery. **Bruce N** felt that on the deeds moving forward they need to have the wording of name change within a year. **Mayor Bingham** felt strongly that the city needs to require individuals produce a deed or proper documentation to show that they own plots at the cemetery. **Dale M** wanted to make sure that individuals are addressed with compassion while they are dealing with the death of a loved one.

The council discussed other fees that were presented and fees that have already been passed.

JEFF SANDERS motioned to accept the addendum of Honeyville City Grave pricing adding the Holiday pricing which is an additional 200.00 on top of the regular fee. Removing Cemetery Allocated Funds and adding Deed Ownership to the actual deed. BRUCE NELSON seconded

the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

JEFF SANDERS motioned to adopt the suggested fee schedule excluding Business License fees as presented. DALE MILLSAP seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

- B. Payment Processing System Fees (Square):** Blair P shared that since people have heard that the city is now taking credit card payments residents are now wanting to use it for higher cost items and he asked if the council wanted the city to absorb those fees or if they would like to charge a fee. He felt that delinquent water bills are down because they are being paid. He suggested accepting payments for Business Licenses, Water Bills and Dog Tags without a fee, but charge fees on Cemetery Plots and Burials, Building Permits, and Impact Fees along with development and engineering fees. The suggested fee was a 4% credit card processing fee.

There was discussion about charging a fee on purchases that exceed a certain dollar amount. Blair did not want to do this because he'd rather take a hit on water payments if delinquent accounts are using their cards and getting their accounts paid.

BRUCE NELSON motioned to charge a 4% processing fee for the use of credit cards when purchasing Cemetery Plots, Building Permits, Impact Fees, and Engineering Fees. DALE MILLSAP seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

- C. Purchase Approvals:** Brittney C asked when she or other employees need to contact the council for purchase approvals. During a previous discussion in a work meeting held in February the council had agreed that purchases over \$500.00 would need approval. Dale M asked for clarification on the method of approval. Jeff S shared there should be 2 approvals possibly from the clerk and the council member over that department. The Council needs to let Brittney know if the purchase is approved. Trevor G suggested skipping a step and having Brittney contact the council member directly if approval is needed and then she can issue the Purchase Order for the employee. The council clarified that a purchase order is only needed if spending more than \$500.00. Mayor Bingham asked Brittney to add this to the Employment Policy.
- D. Temporary Summer Help:** Mayor Bingham shared that there have been efforts to clean up the community, but that there is a lot more that needs to be addressed. It was suggested that the city hire some temporary help with the mowing and trimming.

BRUCE NELSON motioned to hire a temporary help from now until the end of September. TREVOR GARDNER seconded. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

There was discussion about wages and how many hours per week the employee would work. The council felt that they should not work more than 40 hours per week. **Mayor Bingham** felt that they could start the pay at \$9.00 and then bump them up based on performance. He asked Brittney to post the position on Honeyville Website. It will be posted for a week. The application process will close July 15th.

E. City Council Regular Meeting Minutes – 06/10/20:

JEFF SANDERS motioned to approve the Regular Meeting Minutes of 06/10/20 as presented. SHARON LORIMER seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

F. Check & Deposit Details: 06/01/20 – 06/30/20: Dale M stated that Dana was frustrated with the documents provided from Hansen's. He shared that the city has paid Hansen's, so the city is entitled to more than the PDF. He felt that Hansen's needs to provide the data file that can be manipulated. **Mayor Bingham** will contact Chris on this issue.

DALE MILLSAP motioned to approve the check detail of 06/01/20 – 06/30/20 as presented. TREVOR GARDNER seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

DALE MILLSAP motioned to approve deposit detail of 06/01/20 – 06/30/20 as presented. JEFF SANDERS seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

General Community Events / Buildings & Equipment – Councilmember Trevor Gardner

A. Trevor G asked if Jeff had a chance to check into security cameras. **Jeff S** stated he had not looked at that yet, but would come up with a recommendation.

Parks & Cemeteries / City Communications – Councilmember Jeff Sanders

A. Jeff S updated the council on the pickleball court progress. There was also discussion about a possible Grand Opening of the pickleball court. **Mayor Bingham** stated that everyone is frustrated with the upper park. He felt that the city should bring in top soil and replant the grass. **Jeff S** shared that he budgeted for that in this fiscal year's budget. He also felt that the park really needs top soil otherwise the grass won't grow properly. **Troy** stated that EK Bailey is hauling in top soil. He was going to check on

their pricing. **Dale M** mentioned that Matt Checketts has the contact info for the top soil place in Elwood.

Public Health & Safety / Planning Commission / Youth City Council – Sharon Lorimer

- A. **Sharon L** was introduced to BRAG. She shared that they do designs for paths and walking trails. She mentioned to them that a bike trail may be nice in Honeyville. Brag set up a meeting with UDOT. There is money called TAP money where UDOT would help the city put a bike path anywhere. Possibly up by the canal or along the railroad tracks. They are going to put a survey together. Once that is done, they can send it out to the community and see if there is any interest in this. The money from UDOT would require the city to do some work. The deadline to apply for the money will be January 1, 2021. The city would have to come up with 6% of the funds. **Mayor Bingham** stated that the city needs to go to UDOT with a plan and that BRAG will generate this plan.

Water Systems & Drainage – Councilmember Bruce Nelson

- A. **Bruce N** reported that Spring Box #6 was finished and that the extension past Crystal Springs is waiting for a permit. **Troy M** reported that they got the permit and will bring equipment in next week. **Bruce N** stated that the council had talked about a sidewalk along the north end of town, but he doesn't think that they can do that on the side of the road now with the changes to the waterline. He wondered about getting an easement through Crystal Springs parking lot. **Bruce N** asked Troy to talk to Crystal Springs about that easement.
- B. **Bruce N** reported on the discussion he had with the citizens on South Salt Creek Road. The engineers determined that the city does not have any fault regarding their drainage. He spoke with David Church prior to the discussion held on July 7, 2020. David Church stated that if the city does not make any decisions then the city is not liable. Bruce felt that if the city leaves it to the citizens the problem will never go away. He would like to use some engineering money to help them with engineering, but felt the citizens need to pay for the materials and do the repairs. He shared that not all are willing to pay for it, but all were willing to work. He continued on informing the council that there is a ditch that has never been maintained out there that is causing issues. He suggested having Dana look into the expense of putting a pipe in the ditch. **Mayor Bingham** suggested looking at the dollar amount to purchase the pipe. **Bruce N** would like to get some engineering funds and then get those prices. He suggested limiting Dana up to \$2000.00. **Trevor G** asked if they could gather prices first and then get engineering. **Bruce N** is going to talk to Dana and see what she thinks.

Streets & Roads / Mosquito Abatement – Councilmember Dale Millsap

- A. **Dale M** reported on Dana's update. There is a leak in the irrigation pipe that goes under Windy Poplars on the North side of the road. Dana was going to let Boyd Rick's know and he was going to look into that issue.

- B. Dale M shared that Dana received GIS files from the county for the transportation master plan. 3600 W., North Salt Creek Road, and South Salt Creek Road were roads the city felt needed attention. Dana's crew is doing survey time finding out what the city's right of ways are. He also shared that the section from 6900 N. on 3600 W. North to Bingham Ranchettes would need to be coordinated with UDOT. Dana believes that Honeyville City owns a prescriptive right of way. **Mayor Bingham** suggested that Bruce be a part of the discussion about easements to make sure that water is not affected. Dale will bring Bruce up to speed.
- C. Dale M mentioned chip sealing and **Troy M** stated that he ordered the oil, but has not started the chip seal.

Troy M asked about gates that have been put up down by the river bottoms. Individuals need to know they can't gate a city road.

Mayor Bingham asked Brittney to find the information about the individuals who recently purchased property down there.

BRUCE NELSON motioned to adjourn. DALE MILLSAP seconded the motion. MOTION CARRIED with Bruce Nelson for, Jeff Sanders for, Sharon Lorimer for, Trevor Gardner for and Dale Millsap for.

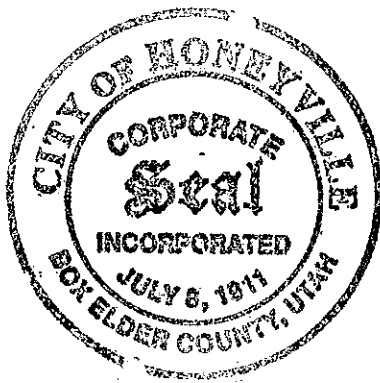
Meeting adjourned at 9:32 p.m.

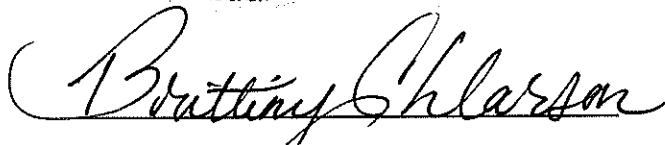
The foregoing minutes were taken and typed by Brittney Chlarson.

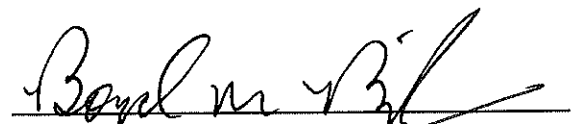
I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: 8-12-20




Brittney Chlarson – Clerk/Recorder


Boyd Bingham - Mayor

Suggestions for presentation to planning and zoning:

Option 1: Do nothing and keep the Agricultural Zone as it currently is

Option 2: Delete the A-20 zone from the Agricultural Zone and have the only option A-5 zoning.

- Purpose: Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. *(The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk. (add definitions for neighboring and bona fide farms in our ordinances.)*
- Redo the purpose of the A-5 zone to read: " The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing."

Option 3: Keep the Agricultural Zone as it is currently with these changes, giving more intent to maintaining our rural community:

- Purpose: Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. *The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk. (add definitions for neighboring and bona fide farms in our ordinances)*
- Delete the phrase, "and which is intended to remain as such for the foreseeable future"(found in the purpose section of the A- 20 zone.) It would then read:
Agricultural 20 Zone: The agricultural 20 zone is intended to be applied to land which is predominantly devoted to agricultural use.
- Change the wording in the purpose section of the A-5 to read, "The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing."

- Make 2.5 acre lots the smallest size lot possible in the A-20 zone.(The .5 for a home like green-belt needs extra...This will need to be researched more)
The reasoning behind this is that sometime our county could to be involved in the:

Utah Urban Farming Assessment Act which allows active agriculturally producing parcels of land between 1-4.99 acres in size to be taxed similarly to greenbelt-qualified properties, lowering property taxes from market rate to more reasonable costs. (The Utah Farmland Assessment Act was created to specifically assist farmers and ranchers preserve their agricultural lands near expanding urban areas across the state. Individual county assessors are responsible for assessing land within their jurisdiction.) (pg.10 of Utah County Toolbox)

Option 4: Replacing A-20 zone with A-5Average Zone which would look something like this: *300 ft. Setbacks*

Purpose: **Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. *The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk.***
(add definitions for neighboring and bona fide farms in our ordinances)

A. Agricultural 5 Zone: The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.

BAgricultural 5 Average Zone: The Agricultural 5 Average Zone (A-5A) Zone is to provide for flexibility in lot formation in the agricultural zone while still maintaining the purpose of the zone and the density of subdivisions within the zone of one single family dwelling per five acres. Lots shall not be smaller than 2.5 acres.(

10-10-2: SCOPE

1. The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-3: USES ALLOWED

1. Permitted And Conditional Uses: Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-10-1 of section 10-10-8 of this chapter. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 10-10-1 of section 10-10-8 of this chapter shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use based upon an administrative interpretation as provided in section 10-5-20 of this title.
2. Accessory Uses: Permitted and conditional uses set forth in table 10-10-1 of section 10-10-8 of this chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-4: DEVELOPMENT STANDARDS

Development standards within agricultural zones shall be as set forth in table 10-10-2 of section 10-10-8 of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-5: REGULATIONS OF GENERAL APPLICABILITY

The use and development of real property in agricultural zones shall conform to the development standards as set forth in the following chapters of this title:

1. Existing conditions inventory: See chapter 17 of this title.
2. Landscaping and screening: See chapter 18 of this title.
3. Off street parking: See chapter 19 of this title.
4. Outdoor lighting: See chapter 20 of this title.
5. Signs: See chapter 21 of this title.
6. Supplementary development standards: See chapter 22 of this title.
7. Water source protection: See chapter 23 of this title.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-6: REGULATIONS FOR SPECIFIC USES

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-7: Special Regulations:

- A. Increased Height: Notwithstanding the height limitations shown on table 10-10-2 of section 10-10-8 of this chapter, a greater building height may be allowed pursuant to a conditional use permit.
- B. Two and one half acre or larger lots may be subdivided from an existing lot located in the agricultural (A) zone so long as:
 1. Any new lot is subdivided from a legally created lot of record;
 - a. The remainder of the original lot and each new lot abuts an existing or proposed public street for at least the distance shown below, based on lot size, as follows: 2.5 acres up to five (5) acres: Two hundred feet (200');
b. Five (5) acres or larger but smaller than twenty (20) acres: Three hundred feet (300'); and
c. Twenty (20) acres or larger: Five hundred feet (500');

2. Each newly created lot conforms to the development standards of the RR, A-5, or A-5A zone, as the case may be, based on lot size, as follows:

- a. 2.5 acres up to five (5) acres: RR zone standards.
- b. Five (5) acres or larger: A-5 or A-5A zone standards.

C. Total lot density in the subdivision, as a whole does, not exceed two-tenths (0.2) lot per acre excluding streets and rights of way.

D. If a subdivision within the agricultural zone is to be developed in phases, the plan for phases shall be presented with the preliminary plat of phase one with all essential facilities for all phases presented and provided for with the plat. 10-33-6, 10-5-10,

E. Lots within the A-5 or A-5A zones shall not be further subdivided so long as the subdivision remains in an Agricultural Zone" **OR**

E Considering whether a lot is nearby (or neighboring) a bona fide farm is a consideration to whether a zone change should be approved. (Something that tells future town councils to seriously consider farming when contemplating a zone change.)

Note: *(Brent Bateman) suggest using "lots," which means properties that have been subdivided. (if we use this, make sure the definition for "lots" is in our code)*

Bona Fide Farm Determination:

* The zoning administrator shall make the determination of whether a parcel of land is a part of a bona fide farm. In making the determination, the zoning administrator shall consider the following:

- 1. Whether the uses on the land relate in purpose and intent to farming activities;
- 2. Whether the uses on the parcel further the production and harvesting of crops including fruits, vegetables, sods, flowers, or ornamental plants;
- 3. Whether the uses on the parcel further the production of trees or timber;
- 4. Whether the uses on the parcel contribute to dairying activities or the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals;
- 5. Whether the uses on the parcel contribute to aquaculture activities;

